

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 1/3/13

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THE BOARD OF TRUSTEES OF THE :
SOUTHERN CALIFORNIA IBEW-NECA :
DEFINED CONTRIBUTION PLAN, on behalf of :
itself and all other similarly situated, :

09 Civ. 6273 (RMB) (AJP)

Plaintiff,

ORDER OF DISMISSAL ON CONSENT

-against-

THE BANK OF NEW YORK MELLON :
CORPORATION & BNY MELLON, NATIONAL :
ASSOCIATION f/k/a MELLON BANK, N.A., :

Defendants.

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ANDREW J. PECK, United States Magistrate Judge:

The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that any party may reinstate the action within 30 days hereof if the settlement is not fully effectuated or if there is a need for the Court to resolve any issue as to attorneys' fees. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York
January 3, 2013



Andrew J. Peck
United States Magistrate Judge

Copies **by ECF** to: All Counsel
Judge Richard M. Berman

**Robbins Geller
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January 3, 2013

BY FAX
(212) 805-7933The Honorable Andrew J. Peck
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, New York 10007-1312Re: *Board of Trustees of Southern California IBEW-NECA Defined Contribution Plan v.
Bank of New York Mellon Corp.*
No. 09-CV-6273 (RMB) (AJP) (S.D.N.Y.)

Your Honor:

This joint correspondence serves to provide the Court with an update of the status of the parties' settlement negotiations.

The parties are finalizing the terms of their settlement agreement and will request that the claims be dismissed and case administratively closed. Per the terms of the parties' agreement, Plaintiffs may file an application with the Court for reimbursement of its fees and costs from Defendants.

Very truly yours,

STEPHEN R. ASTLEYcc: The Honorable Richard M. Berman (by overnight delivery)
Damien J. Marshall (by email)